

REMARKS

Claims 1-17 were examined in the Final Office Action mailed April 28, 2006, with claims 18-49 standing withdrawn pursuant to Election/Restriction Requirement. Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Dr. Beers' U.S. Patent No. 5,628,960 ("Beer '960").

In the July 26, 2006 after-final reconsideration request, the Applicants presented results of testing, responsive to the Examiner's suggestion for submission of actual data reflecting the unexpected results discussed in Dr. Beer's previous Declaration (such as a comparison of a test strip produced by the cited prior art and a test strip produced with the present invention's new approach to membrane production). The Advisory Action mailed August 11, 2006 stated that the data submission was incomplete, lacking supporting text concerning the testing, such as the conditions of the filter dust removal.

Attached hereto is a further Declaration of Dr. Hans Beer dated September 11, 2006, providing the desired supporting information. In particular, Dr. Beer at paragraphs 5-9 describes in detail the conditions and procedures followed in the conduct of the test, including differences in starting feedstock materials and subsequent processing in accord with their respective prior art and present invention processes. As noted in paragraph 10 of the Declaration, the actual results of the comparative test shown in Figs. 1 and 2 show that the membrane prepared according to the process of the present invention is surprisingly and unexpectedly superior over a membrane prepared according to Dr. Beer's '960 Patent.

In view of the actual test results, Dr. Beer's previous comments regarding the state of the art and the expectations of those of skill, and the evidence of non-obviousness (*e.g.*, the lack of pursuit of the present invention despite great economic and technical motivation), the Applicants respectfully submit that one of ordinary skill would not have found the present inventive process and resulting membrane to be an obvious development from the Dr. Beer's '960 Patent. The Applicant therefore respectfully requests reconsideration and withdrawal of the pending rejection based on this reference.

CONCLUSION

The Applicants respectfully submit that claims 1-17 are allowable over the Beer '960 reference. Early and favorable consideration and issuance of a Notice of Allowance for claims 1-17 is respectfully requested.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit

Serial No. 10/051,459
Attorney Docket No. 010743.50685US
PATENT

Account No. 05-1323 (Docket # 010743.50685).

Respectfully submitted,

September 27, 2006

A handwritten signature in black ink, appearing to read "J. D. Evans", written over a horizontal line.

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